HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 967 of 2006 (MS)

Maharaj Singh s/o Sri Harbans Singh
Mohalla Pakka Kot, Kashipur, District
Udham Singh Nagar ..... Petitioner

Versus

1. State of Uttaranchal through Chief Secretary
2. Deputy Director of Consolidation, Udham Singh Nagar
3. Consolidation Officer, Kichha, Udham Singh Nagar

..... Respondents

Sri Sudhir Chaudhari, Advocate for the petitioner.
Standing Counsel for the respondents.

Dated: 26.7.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Sudhir Chaudhari counsel for the petitioner and Standing Counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing respondent no. 3 to decide the application of the petitioner under Rule 109 (A) (1) of U.P. Consolidation of Holdings Rules 1954 in case No. 10/2005-06. Further writ of mandamus has been prayed directing the respondent no. 2 not to dispossess the petitioner from the land bearing Khasra No. 125M area 0.31 Acre of village Jaspur Khurd, Tehsil Kashipur, District Udham Singh Nagar.

The petitioner has submitted that he has made a number of representations to respondents no. 2 and 3 but the same have not been decided as yet. The counsel for the petitioner has also

referred the order passed by Allahabad High Court on 15.11.1989 in writ petition No. 3603 of 1989 and has submitted that despite the Court's order the matter has not been decided.

In view of above, respondent no. 3 is directed to decide the matter under Rule 109 (A) (1) of U.P. Consolidation of Holdings Rules 1954, within a month after the receipt of the certified copy of this order.

Accordingly, with petition is disposed of. No order as to costs.

Copy is expedited today.

Dated: 26.7.2006 **Rajesh Tandon, J.**

*Dhyani